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ABSTRACT

This act repeals and reenacts with amendments Section 1. 22-2-109 (1) of the Colorado Revised Statutes 1973. (JD)

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An Act

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ED141330

SENATE BILL NO. 43. BY SENATORS H. Fowler, Minister, Allshouse, Anderson, Bishop, Cisneros, Comer, Cooper, Gallagher, Hughes, Kinnie, Kogovsek, McCormick, MacManus, Plock, Schieffelin, Stockton, and Strickland; also REPRESENTATIVES Lucero, Miller, Barragan, Boley, Hinman, Munson, Quinlan, and Sears.

CONCERNING TEACHER CERTIFICATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-2-109 (1), Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-2-109. State board of education - duties. (1) The state board of education shall:

(a) Evaluate and determine and publish its findings as to which Colorado institutions of higher education meet the requirements of an accepted institution of higher education for the preparation of teachers pursuant to section 22-60-103 (1);

(b) Evaluate and determine and publish its findings as to which programs of study in Colorado institutions of higher education meet the requirements of an approved program of teacher preparation pursuant to section 22-60-103 (2);

(c) Adopt rules and regulations which prescribe standards for the evaluation of teacher preparation programs;

(d) Adopt rules and regulations for a procedure through which statements of partial completion of approved programs may be combined, pursuant to section 22-60-104 (5) (b);

(e) Make periodic visits as may be necessary to the

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CAPITAL letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

colleges and universities in the state in order to observe, evaluate, and approve the programs of teacher preparation offered therein;

(f) Utilize representatives from all levels of education in the development of standards of evaluation and in the evaluation of teacher preparation programs in the institutions of the state;

(g) Adopt rules and regulations which prescribe standards of qualification, preparation, training, or experience that are required for the issuance of all certificates and letters of authorization as provided in article 60 of this title;

(h) Adopt rules and regulations which prescribe standards for endorsements deemed appropriate for each type of certificate or letter of authorization;

(i) Utilize representatives from all levels of education in the development of standards of qualification, preparation, and experience for all certificates, letters of authorization, and endorsements;

(j) Conduct or arrange for research pertinent or essential to implement the provisions of article 60 of this title, including but not limited to teacher certification and teacher preparation programs in institutions of higher education;

(k) Develop and implement policies and procedures for the approval of teacher education classes and programs offered in Colorado for academic credit and operated by institutions from outside Colorado.

SECTION 2. Article 60 of title 22, Colorado Revised Statutes 1973, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 60

Teacher Certification

22-60-101. Short title. This article shall be known and may be cited as the "Teacher Certification Act of 1975".

22-60-102. Legislative declaration. (1) It is declared to be the policy of the state of Colorado to provide quality education in the schools of the state and, to this end, to provide a process for the evaluation and revision of the standards for the certification of teachers and to encourage the professional development of teachers. It is further the policy of this state that teachers in Colorado be of good moral character, have a thorough knowledge of their subject matter, have a thorough grounding in the moral, ethical, and philosophical roots of our civilization, and, except for teachers

applying for or holding a type C certificate, have a broad educational background in the liberal arts, hold at least a bachelor's degree, and have an adequate foundation in professional education including student teaching.

(2) It is also the policy of this state to safeguard the welfare of its children against unqualified, incompetent, and immoral teachers; to improve the instructional programs in the schools of the state; to encourage wiser use of the services of teachers; and to permit flexibility of standards for the certification of teachers in accordance with changing educational concepts and programs. To these ends, this article shall be liberally construed.

22-60-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "Accepted institution of higher education" means an institution of higher education in Colorado which offers at least a four-year program of studies leading to a bachelor's or higher degree and has a teacher preparation program approved by the state board of education. Accredited out-of-state institutions of higher education may be deemed accepted institutions of higher education if their program of studies is equivalent to a similar program of studies offered by Colorado accepted institutions.

(2) "Approved program of preparation" means a program of study for teacher preparation, including student teaching, that meets the standards of the state board of education and that upon completion leads to a recommendation for certification by an accepted institution of higher education.

(3) "Board of education" means the governing body authorized by law to administer the affairs of any school district in the state except junior and community college districts. "Board of education" includes a board of cooperative services organized pursuant to article 5 of this title.

(4) "Certificate" means the license to teach in the instructional program of a school or school district or to administer, supervise, or direct such program.

(5) "Endorsement" means the designation on a certificate or letter of authorization of grade level, subject matter, or service specialization in accordance with the preparation, training, and experience of the holder of such certificate or letter of authorization.

(6) "In-service education program" means a planned series of learning experiences provided for by a school district designed to improve the teaching and learning processes.

(7) "Professional growth plan" means a planned series of

activities and experiences designed to promote the continuous development of a teacher's competencies and increase the effectiveness of a teacher's performance.

(8) "School" means any of the public schools of the state.

(9) "School district" means any school district organized and existing pursuant to law, but it does not include junior or community college districts. "School district" includes a board of cooperative services organized pursuant to article 5 of this title.

(10) "State board of education" means the state board of education established by section 1 of article IX of the state constitution.

(11) "Teacher" means any person employed to instruct students or to administer, direct, or supervise the instructional program in a school in the state.

(12) "Training agency" means any acceptable school at which an applicant for a type C vocational teaching certificate may have received vocational training.

22-60-104. Types of certificates issued - term. (1) The department of education is designated as the sole agency authorized to issue certificates to persons of good moral character, which certificates shall consist of the following types:

(a) Type A. The general teacher certificate: Certifies that a person has been awarded a bachelor's degree from an accepted institution; has completed an approved program of teacher preparation in an accepted institution of higher education, which program includes a professional teacher education sequence including student teaching; has demonstrated thorough knowledge of the subject matter to be taught; and has the competencies essential to maintain and improve the quality of instruction in the public schools of the state. The state board of education may waive the completion of the sequence of professional education courses for an applicant who has earned a bachelor's or higher degree from an accepted institution of higher education, has completed five or more years of successful teaching experience in a public or nonpublic elementary or secondary school, and demonstrates thorough knowledge of professional education and teaching.

(b) Type B. The professional teaching certificate: Certifies that a person has a minimum of three years of experience under a type A or equivalent certificate and has been awarded a master's degree or a higher degree in an accepted institution of higher education.

(c) Type C. The vocational teaching certificate: Certifies that a person has satisfactorily completed five or more calendar years of work experience in the specific occupational area in which instruction is to be given and has met such other requirements pertaining to academic and professional preparation or performance as the state board of education may establish to maintain and improve the quality of instruction in the public schools of the state.

(d) Type D. The administrative certificate: Certifies that a person has completed an approved program of school administration in an accepted institution of higher education, has completed a master's or higher degree in an accepted institution of higher education, and has met such other requirements as the state board of education may establish concerning professional performance and ability.

(e) Type E. The special service certificate: Certifies that a person has been awarded an appropriate degree from an institution of higher education and has met the standards of the state board of education concerning academic and professional preparation and experience and performance in one of the following special service areas in the public schools: School audiologist, occupational therapist, physical therapist, school nurse, speech correctionist, school psychologist, guidance counselor, school social worker, or peripatologist and such other special service areas as the state board of education may deem to be necessary. However, a guidance counselor shall be required to have, in addition to a type A certificate, five years' teaching experience.

(f) Provisional certificate. (I) The provisional certificate certifies that a person has been awarded a bachelor's degree from an accepted institution of higher education and has completed a program of teacher preparation in an accepted institution of higher education but lacks any specific requirements of the state board of education in force at the time of application. An appropriate certificate may be issued upon completion of the specific requirements designated by the department of education.

(II) Based upon evidence of extreme financial hardship or an abrupt change of circumstance, the state board of education may, at its discretion, issue a provisional certificate to an applicant who has been awarded a bachelor's degree from an accepted institution of higher education and who has held a valid Colorado teacher certificate, if the applicant is enrolled in six hours of appropriate college or university courses in an accepted institution of higher education. A provisional certificate issued pursuant to this subparagraph (II) shall be valid for a period of one year from the date of issuance and is nonrenewable.

(2) The department of education may, at its discretion,

issue any teacher's certificate provided for in this article to any applicant from another state or country whose qualifications meet or exceed the standards of the state board of education.

(3) The state board of education is authorized to establish such other requirements for any of the types of teaching certificates provided for in subsection (1) of this section as it deems necessary to maintain and improve the quality of instruction in the public schools of the state.

(4) Applicants for an initial Colorado teaching certificate must have completed a minimum of six semester or nine quarter hours of college or university credit appropriate to the certificate being requested within the five-year period prior to the date of application.

(5) (a) Each applicant for a certificate may be required to submit a statement from the designated recommending official of the accepted institution of higher education or training agency. Such statement shall certify that the applicant has completed the approved program in a satisfactory manner and is in good standing. Such statement shall not be required for the renewal of a certificate.

(b) If an applicant for a type D administrative certificate is required to submit a statement from the designated recommending official of an accepted institution of higher education pursuant to paragraph (a) of this subsection (5), he shall be provided with an opportunity to submit statements from two or more such designated recommending officials at different accepted institutions of higher education, each of which statements certifies partial completion of an approved program in a satisfactory manner. Pursuant to the rules of the state board of education, the department of education shall provide a procedure through which such statements of partial completion of an approved program may be combined to certify regular completion of an approved program. The combination of such statements shall result in a combined approved program, when it is, in the judgment of the department of education, at least the equivalent of the regular approved program at any one of the accepted institutions of higher education of attendance. Any reference in this article to completion of an approved program shall be deemed to include reference to partial completion of two or more approved programs combined pursuant to this paragraph (b).

(6) In determining the moral qualifications of applicants, the state board of education shall be governed by the provisions of section 24-5-101, C.R.S. 1973.

(7) Types A, B, C, D, and E certificates granted under this section shall be valid for a period of five years from the date of issuance. Any type B or type D certificate originally issued for a ten-year period prior to July 1, 1976, shall be renewable

at its expiration according to the provisions of this article. Provisional certificates may be valid for a period of three years and are nonrenewable, except as provided in subparagraph (II) of paragraph (f) of subsection (1) of this section.

(8) This section shall apply to all certificates granted after July 1, 1976.

22-60-105. Letters of authorization - types - applicants' qualifications. (1) Pursuant to the rules of the state board of education, the department of education is authorized to issue the following letters of authorization to persons of good moral character meeting the qualifications prescribed by this section and by the rules of the state board of education:

(a) A letter of authorization, type I, recognized expert, certifies that a person possesses outstanding talent in a particular area of specialization and demonstrates ability and knowledge therein and enjoys wide recognition as an authority in such area. The teacher's services shall have been requested by a board of education and shall be limited to the area of specialization. A type I letter of authorization is renewable indefinitely upon request by a board of education.

(b) A letter of authorization, type II, intern, certifies that a person has been awarded at least a bachelor's degree from an accepted institution of higher education but has not completed the sequence of professional teacher education courses. A type II letter of authorization shall be valid only while the holder serves under the supervision of a certified teacher as an intern in a teacher preparation program offered by an accepted institution of higher education in Colorado which is approved by the state board of education.

(c) A letter of authorization, type III, emergency teacher, certifies a person to teach at a particular grade level or in a special academic or vocational area when in the judgment of the board of education an emergency exists due to a demonstrated shortage of teachers certified with appropriate endorsements and such action is essential to the preservation of good instructional programs in the public schools and to the educational well-being of the children enrolled therein. A type III letter of authorization shall be valid for a period of one school year and may be renewed.

(2) In determining the moral qualifications of applicants, the state board of education shall be governed by the provisions of section 24-5-101, C.R.S. 1973.

22-60-106. Fees. The fee for the examination and review of an application for a certificate or letter of authorization, or any renewal thereof, is fifteen dollars which shall be nonrefundable. Upon determination of eligibility, such

certificate or letter of authorization shall be issued without an additional fee. All fees collected under this section shall be transmitted to the state treasurer and credited to the general fund.

22-60-107. Renewal of a certificate. (1) A certificate shall expire as prescribed in section 22-60-104, subject to the provisions of section 24-4-104 (7), C.R.S. 1973, when applicable. Such certificates may be renewed upon submitting an application for renewal, payment of the statutory fee, and evidence of the completion of a professional growth plan consisting of six or more semester hours of renewal credit earned within the five-year period prior to the date of application. Pursuant to the rules of the state board of education, such professional growth plan shall consist of six or more semester hours of college or university credit from an accepted institution of higher education appropriate to the certificate to be renewed or to the assignment of the teacher or applicable to an additional endorsement area or alternate educational experience, as provided in subsection (2) of this section, or both.

(2) (a) In-service education for recertification credit as provided in section 22-60-108. A maximum of four semester hours of such in-service education credit may be applied to the renewal of a certificate.

(b) Supervision of student teachers or interns. A maximum of one semester hour of in-service education credit under paragraph (a) of this subsection (2) may be waived upon satisfactory documentation of the supervision of student teachers or interns. Such a waiver shall be granted pursuant to the rules adopted by the state board of education, and only one such waiver shall be allowed during any one school year.

(c) Foreign study. A maximum of two semester hours earned through study in an institution of higher education outside the United States may be substituted for two semester hours of in-service education credit under paragraph (a) of this subsection (2); except that only one such substitution shall be allowed during any one calendar year.

(d) Educational travel. A maximum of one semester hour of in-service education credit under paragraph (a) of this subsection (2) may be waived upon satisfactory documentation of the completion of approved educational travel judged to have special significance for increasing the skills of the teacher. Such a waiver shall be granted pursuant to the rules adopted by the state board of education, and only one such waiver shall be allowed during any one calendar year.

(e) Professional development experiences. A maximum of one semester hour of in-service education credit under paragraph (a) of this subsection (2) may be waived upon satisfactory

documentation of professional experiences or activities judged to have special significance for increasing the value of the teacher in his current assignment. Such a waiver shall be granted pursuant to the rules adopted by the state board of education, and only one such waiver shall be allowed during any one calendar year.

(3) Such professional growth plan shall be designed by the teacher on forms supplied by the department of education and shall have prior approval by the board of education following recommendation by the local school district professional growth committee, which shall be composed of an administrator designated by the board of education and two teachers employed by the school district.

(4) The professional growth plan may be changed upon request of the teacher and upon review and approval by the board of education following recommendation by the local school district professional growth committee.

(5) Teachers not employed by a Colorado school district shall submit the professional growth plan to the department of education for review and approval.

22-60-108. In-service education programs for recertification credit. (1) The state board of education shall establish criteria for in-service education programs to assure that each program approved for recertification credit:

(a) Demonstrates that the need for in-service education has been assessed by teachers and other school district personnel in cooperation with other agencies or organizations;

(b) Provides for planned activities which meet the needs for in-service education;

(c) Includes an evaluation plan which will determine the effect of the activities on the teaching and learning processes;

(d) Indicates the part which the in-service education program plays in implementing the overall long-range plans of the district.

22-60-109. Endorsement of certificate or letter of authorization - effect. (1) The state board of education is authorized to cause a certificate or letter of authorization to be endorsed. Such endorsement identifies the grade level or levels, subject matter area or areas, or other specialization appropriate to an applicant's preparation, training, and experience.

(2) The major part of the services performed by the holder of a certificate shall be related to such endorsement.

22-60-110. Grounds for annulling, suspending, or revoking certificate or letter of authorization. (1) If any person obtains a teacher's certificate or letter of authorization through misrepresentation or fraud or through misleading information or untruthful statement submitted or offered with the intent to misrepresent or mislead or to conceal the truth, such certificate or letter of authorization may be annulled by the department of education in the manner prescribed in section 22-60-111.

(2) A certificate or letter of authorization may be suspended or revoked in the manner prescribed in section 22-60-111, notwithstanding the provisions of subsection (1) of this section:

(a) When the holder has been determined to be mentally incompetent by a court of competent jurisdiction; except that the certificate or letter of authorization held by a person who has been determined to be mentally incompetent by a court of competent jurisdiction shall be revoked or suspended by operation of law without a hearing, notwithstanding the provisions of section 22-60-111;

(b) When the holder is found guilty of a violation of any law of this state or any municipal law of this state involving unlawful sexual behavior pursuant to section 18-3-401, C.R.S. 1973;

(c) When the holder is found guilty of a violation of any law of this state, any municipality of this state, or law of the United States involving the illegal sale of narcotics;

(d) When the holder is found guilty of a felony in this state or, under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, when the commission of said felony, in the judgment of the state board of education, renders him unfit to perform the services authorized by his certificate or letter of authorization.

(3) The state board of education may suspend or revoke a certificate or letter of authorization if the state board finds and determines that the holder thereof has become professionally incompetent or guilty of unethical behavior.

(4) The state board of education shall promulgate appropriate rules and regulations defining the standards of unethical behavior and professional incompetency.

22-60-111. Procedure - denial, suspension, annulment, or revocation - certificate or letter of authorization. Procedures for the denial, suspension, revocation, or annulment of a

certificate or letter of authorization shall be in accordance with the provisions of sections 24-4-102 to 24-4-107, C.R.S. 1973; except that: Where judicial review is pending or the time in which to seek judicial review has not elapsed, the state board of education may take emergency action relating to the annulment, suspension, or revocation of a certificate or letter of authorization; and the expiration date of a certificate or letter of authorization shall not be extended, even though judicial review is pending or the time for seeking such review has not elapsed.

22-60-112. Hearing commissioner - duties. The state board of education is authorized to appoint a hearing commissioner, who may preside at hearings on the denial, annulment, suspension, or revocation of a certificate or letter of authorization. When so appointed, he shall reduce his findings to written form and submit them to the state board of education, and he shall not participate in the deliberations of said board.

22-60-113. Rules and regulations. The state board of education is authorized to adopt or prescribe rules and regulations not inconsistent with the provisions of this article for its proper administration.

22-60-114. Evaluation of approved programs of teacher education. (1) Teachers employed by the school districts of the state who completed their preparation at accepted institutions of higher education in this state shall evaluate their program during their first and third years of teaching on forms prepared and distributed by the department of education. The completed forms shall be returned to the department of education for compilation, review by the state board of education, and dissemination to Colorado teacher preparation institutions.

(2) The administrative staff of the school districts of this state shall be provided forms for the evaluation of teacher preparation programs of graduates of Colorado teacher preparation institutions employed within said district. Evaluation shall be completed during the ninth month of the first and third years of teaching or at such other times as may be deemed appropriate by the state board of education. Such forms shall be returned to the department of education for compilation, review by the state board of education, and dissemination to Colorado teacher preparation institutions.

22-60-115. Prior certificates validated. This article shall not be construed as invalidating any certificate issued pursuant to law prior to July 1, 1976, and said certificate shall remain valid until the date of expiration, except as provided in sections 22-60-110 to 22-60-112 for the denial, suspension, annulment, or revocation of a certificate.

SECTION 3. 22-63-102 (10), Colorado Revised Statutes 1973,

is amended to read:

22-63-102. Definitions. (10) "Teacher's certificate" means a certificate as defined in section 22-60-103 ~~(3)~~ (4).

SECTION 4. 22-63-108 (2), Colorado Revised Statutes 1973, is amended to read:

22-63-108. Interest prohibited. (2) Any employee who violates the provisions of subsection (1) of this section is, upon determination thereof, subject to the revocation of his certificate or letter of authorization as provided in ~~section 22-60-111~~ SECTIONS 22-60-110 TO 22-60-112.

SECTION 5. 22-65-105 (6), Colorado Revised Statutes 1973, is amended to read:

22-65-105. Duties and powers of the commission. (6) The commission shall advise and consult with the department in the administration of sections ~~22-60-111~~ 22-60-110 to ~~22-60-115~~ 22-60-112 and article 63 of this title.

SECTION 6. Effective date. This act shall take effect July 1, 1976.

SECTION 7. Safety clause. The general assembly hereby

finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Fred E. Anderson
PRESIDENT OF
THE SENATE

Ruben A. Valdez
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Comfort W. Shaw
SECRETARY OF
THE SENATE

Evelyn T. Davidson
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED July 19, 1973 4:27 pm

Richard D. Lamm
GOVERNOR OF THE STATE OF COLORADO